

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JIMMIE HARDAWAY, JR., et al.,

Plaintiffs,

v.

KEVIN P. BRUEN, et al.,

Defendants.

**NOTICE OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Case No.: 1:22-cv-771-JLS

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, declarations in support, and complaint in this action, Plaintiffs Reverend Dr. Jimmie Hardaway, Jr., Bishop Larry A. Boyd, Firearms Policy Coalition, Inc., and Second Amendment Foundation (collectively “Plaintiffs”), through counsel, will move this Court, at a date and time to be determined by the Court, for an Order pursuant to Rule 65(a) and (b) of the Federal Rules of Civil Procedure for a temporary restraining order and preliminary injunction enjoining Defendants from enforcing unconstitutional provisions of New York’s Senate Bill S51001 (“S51001”) (June 30, 2022, Extraordinary Session), which violates Plaintiffs’ constitutional right to keep and bear arms “outside the home.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2122 (2022).

Plaintiffs respectfully request a temporary restraining order and preliminary injunction restraining Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of the temporary restraining order and injunction, from enforcing N.Y. PENAL LAW § 265.01-e(2)(c) (places of worship), and their regulations, policies, and practices implementing it; and for such other and further relief as the Court deems

appropriate.

Plaintiffs intend to file reply papers.

Respectfully submitted, this 14th day of October 2022.

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*Applications for admission pro hac vice
forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

In accordance with Federal Rule of Civil Procedure 5(b)(2)(C), I hereby certify that a true and correct paper copy of the foregoing was served to Defendants by mail to the following addresses on this 14th day of October, 2022.

Kevin P. Bruen,
New York State Police
1220 Washington Avenue
Building 22
Albany, NY 12226

Brian D. Seaman
Niagara County District Attorney
Niagara County Courthouse, 3rd Floor
175 Hawley St.,
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/s/Nicolas J. Rotsko
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